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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/992,504	12/17/97	HOLLAND	E

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PM41/0111

EXAMINER
HEISEY, D

ART UNIT	PAPER NUMBER
3632	

DATE MAILED: 01/11/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/992,504

Applicant(s)
Edward W. Holland And Marie L. Anderson

Examiner
David Heisey

Group Art Unit
3632



☒ Responsive to communication(s) filed on Dec 17, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-17 is/are rejected.

☒ Claim(s) 18 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Dec 17, 1997 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

This is the first Office Action for serial number 08/992,504, Support Stand for Holding Display Items, filed on December 17, 1997. The Application contains 18 claims numbered 1-18.

Drawings

The drawings are objected to because numeral 26 on Fig. 2 does not have a corresponding line connecting it to a guide slot as in the other figures.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 4 and 14 lack proper antecedent basis for the term “rust-resistant plating material”. The specification can be amended to include proper antecedent basis for this term.

Claim Rejections - 35 USC § 112

Claims 4 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The specific limitation “rust-resistant plating material” lacks proper antecedent basis in the specification.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5-8, 11, 12, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent # 2,713,471 to Hirsch. With respect to claim 1, Hirsch teaches all the limitations including a flat base (Fig. 1, 8), vertical support members (10), means of slidably connecting the vertical support members (30), means of slidably adjusting the vertical support members (26), and means of affixing the vertical support members to support an object perpendicular to the flat base (Fig. 3, 16). With respect to claim 2, Hirsch as applied to claim 1, teaches an elongated rectangular flat base (Fig. 1, 8; Col. 1, lines 71-72).

With respect to claim 5, Hirsch as applied to claim 1, teaches vertical support members which have are L-shaped (Fig. 1, 10). With respect to claim 6, Hirsch as applied to claim 5, teaches L-shaped vertical support members which communicate with a flat base along the flat bottom portion of the L-shapes (Fig. 1, 18). With respect to claim 7, Hirsch as applied to claim 6, teaches guide slots in the flat bottom portion of the L-shapes (Fig. 1, 26). With respect to claim

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8, Hirsch as applied to claim 7, teaches guide pins to enable the vertical support members to slide across the flat base (Fig. 1, 30).

With respect to claim 11, Hirsch as applied to claim 1, teaches a support stand where one or more vertical support members are permanently fixed on the flat base (Col. 2, lines 47-48).

With respect to claim 12, Hirsch as applied to claim 11, teaches a support stand where additional non-fixed vertical support members may be temporarily fixed in a location selected by the user (Col. 2, lines 47-52). With respect to claim 15, Hirsch as applied to claim 6, teaches L-shaped vertical support members with a flat base and a flat upright section (Fig. 1, 10). With respect to claim 16, Hirsch as applied to claim 6, teaches L-shaped vertical support members with a flat base and a curved upright section (Fig. 1, 34).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsch in view of U.S. Patent # 5,169,114 to O'Neill. With respect to claims 3 and 13, Hirsch as applied to claim 1, teaches all the limitations including a flat base (Fig. 1, 8), vertical support members (10),

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means of slidably connecting the vertical support members (30), means of slidably adjusting the vertical support members (26), and means of affixing the vertical support members to support an object perpendicular to the flat base (Fig. 3, 16). Hirsch does not teach a flat base and support members which are made of metal. O'Neill teaches a flat base and support members made of metal (Col. 3, lines 38-39). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have made the flat base and support members of metal because one would have been motivated, in view of O'Neill, to have made the flat base strong, durable and stress-resistant.

Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsch in view of U.S. Patent #5,619,114 to O'Neill when further considering U.S. Patent # 5,786,733 to Kneebone. With respect to claims 4 and 14, Hirsch as applied to claim 1, teaches all features set forth except a flat base and vertical support members made of rust-resistant metal plating. Kneebone teaches a flat base and vertical support members made of rust-resistant metal plating for the purpose of providing a longer product life (Col. 4, lines 28-31). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have made the metallic flat base and vertical support members having a rust-resistant metal plating surface because one would have been motivated, in view of Kneebone, to have made the flat base and vertical support members resistant to corrosion.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsch in view of U.S. Patent # 5,822,918 to Helfman, et al. (hereinafter Helfman). With respect

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to claim 9, Hirsch as applied to claim 8, teaches all features except a threaded guide pin.

Helfman teaches a threaded guide pin to be mated with a wing nut (Fig. 1, 42; Col. 2, lines 38-40). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have used a threaded guide pin because one would have been motivated, in view of Helfman, to have used the guide pin to interact with a nut and hold the support brackets in a fixed position relative to one another (Col. 4, lines 60-65).

With respect to claim 10, Hirsch as applied to claim 9, teaches all features except an oppositely-threaded adjusting knob. Helfman teaches an adjustment knob which oppositely threaded to interact with a threaded guide pin (Fig. 1, 46; Col. 4, 58-65). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have used an oppositely-threaded adjustment knob because one would have been motivated to have made the guide pin and the adjustment knob to interact thereby allowing the support brackets to be held in a fixed position relative to one another (Col. 4, lines 60-65).

Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsch.

Hirsch as applied to claim 1, teaches all the limitations except a square shaped flat base. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have made the flat base in a square shape because one would have been motivated to have made the flat based conform to various sizes thereby making the apparatus adaptable to other sized objects.

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Allowable Subject Matter

Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

807,613 to Graves
2,453,074 to Dunn
2,812,918 to Longino
4,323,226 to Close
4,515,195 to Gladstein
5,149,032 to Jones et al.
5,685,518 to Fox et al.
1,396,910 to Annable
1,598,467 to Weeks
1,682,060 to Banks
4,637,632 to Rubash
D225,500 to Lewis


Graves and Close teach clamp assemblies with one fixed vertical support and one adjustable vertical support. Dunn, Longino, Gladstein, Jones et al., and Fox et al. all teach holding devices which have at least one slidable vertical support. Annable, Weeks, Banks, Rubash and Lewis all teach holding devices employing more than one L-shaped vertical supports.

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David Heisey, whose telephone number is 703.306.3233. The Examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M. The fax machine telephone number for the Technology Center is 703.305.3597 or 703.305.3598.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at 703.308.2168.

David Heisey
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12/28/98


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